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ABSTRACT

When discussing plagiarism and cheating these days, college faculty seem to find themselves using the rhetoric of crime and punishment ("It's easier to steal from the Internet") on their students rather than a rhetoric more attuned to their actual mission. A short overview in this paper of the history of plagiarism and the development of the concept of intellectual "property rights" is given to help address the problem. The paper begins by drawing a parallel between the historical process of land enclosure that occurred in England from the 15th to the 19th centuries to the development and spread of print and suggests, thereby, that both expressed new concepts of economics and of the self. Correlate developments in private land ownership, copyright, and the rise of the author, along with the concept of plagiarism, reveal that commodification (the idea that everything can be sold on an open market) is the ideology that unites these apparently disparate developments and affects the way that what is done in the classroom is conceptualized, what is expected from students, and what they produce in response to educators' expectations. Educators need to recognize that although the law has been slow to accommodate itself to the Internet, it is going to eventually, and electronic publishing is going to be as protected by copyright as books. They also need to teach skepticism and place their teaching on plagiarism in a broader context of critical thinking theory and skills. Contains a 22-item bibliography. (NKA)

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Plagiarism, Enclosure, and the Commons of the Mind.

by William L. Scurrah

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Plagiarism, Enclosure, and the Commons of the Mind

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An article recently published in my college's student newspaper reported our subscription to an on-line plagiarism detection service. The article was accompanied by an illustration in which one can observe a number of interesting points: First, it was headed, "Plagiarism Facts," a sure sign that what follows is little more than "factoids," as immediately suggested by the first bullet's use of "may." The additional bullets confuse plagiarism with cheating; for example, students who write the answers to tests on their cuffs are certainly (and purposefully) cheating, but they are not plagiarizing. Most revealing, however, is the copyright symbol superimposed on a finger print; clearly, the editors have confused plagiarism with copyright.

The article quoted the chair of the department at some length: "it's easier for students to steal [from the internet]," "suspected academic fraud," "penalties," "stealing others' writing" and "caught and punished." This all sounds like the closing argument of the prosecuting attorney on "Law and Order." How did we come to find ourselves using the rhetoric of crime and punishment on our students rather than a rhetoric more attuned to our actual mission? Perhaps a short overview of the history of plagiarism and the development of the concept of intellectual *property rights* will help to answer the question.

I will begin by drawing a parallel between the historical process of land enclosure that occurred in England from the fifteenth to the nineteenth centuries to the development and spread of print and suggest thereby that both expressed new concepts of economics and of the self. Correlate developments in private land ownership, copyright, and the rise of the author, along with the concept of plagiarism, reveal that commodification (the idea that everything can be sold on an open market) is the ideology that unites all these apparently disparate developments, and affects the way we conceptualize what we do in our classrooms, what we expect from our students, and what they produce in response to our expectations.

That print led to the commodification of "literature" just as enclosure led to (and was driven by) the commodification of agricultural products should not surprise us if we recall that the origin of alphabetical writing in the ancient Middle East was driven not by a desire to record literature or religion and philosophy but by the need to keep inventories of agricultural surpluses, such as grains, oils, and fibers. Thus, writing was invented as an aid to the administrating classes. This process was repeated whenever a written culture gradually replaced an oral one, as in England just prior to and during the print revolution (Clanchy, 1979).

In England, the official history of enclosure begins in c. 1450 (Yelling, 1977), although there had been sporadic attempts before that date. Enclosure was the process by which commonly held and/or used lands were enclosed within clearly marked boundaries and given over to the monoculture of crops for commercial sale rather than for local and subsistence use (Gonner, 1912). These common lands had been, of course, always in a sense owned—the rules

of ownership, however, were quite different from our modern conception: Common lands were not thought of as individually owned nor as saleable; both lord and peasant were determined in their land use patterns by ancient obligations and rights, and their identities were tied to the land in traditional ways. The commoners were not laborers in the modern sense and did not work for wages. They grew crops under the protection of the lord and owed him a portion of what they raised. Each peasant family was assigned strips of land for its own cultivation, and these strips were often narrow, scattered, and bordered only by a low hillock of soil. No one thought of their portion as something they individually owned, and peasants and lords alike did not think of themselves as raising products for market sale. Of course, any surpluses could be taken to a market town and traded for other goods, but subsistence, not marketing, was the purpose of such farming methods.

Likewise, prior to the introduction of the moveable-type printing press, knowledge was not conceived as either owned or originated by individuals but as given to all humankind—as a kind of intellectual commons that all shared in and drew from. That some individuals had access to rather more of this commons and acted as translators to others, did not confer on them ownership rights to the knowledge per se. Furthermore, knowledge was not yet tied firmly to books—even literate scholars lived largely and perforce in an oral environment and conducted most of their lives through speech (Chaytor, 1945; Graff, 1991; Mallon, 1989). Books were scarce and expensive and seldom owned by individuals, but by collectives, such as monasteries or churches. And whereas since the seventeenth century, a cultural premium has been put on

originality (Mallon, 1989), in the pre-print era originality was akin to heresy and a threat to the universality of truth and knowledge (Lindey, 1952).

The commons paradigm changed when landlords started enclosing the commons. Growing urban populations and increasing foreign trade made it feasible to raise crops and animals, such as sheep for wool, solely as commodities. The narrow strips of diversified subsistence crops could not produce sufficient surpluses of a particular marketable crop to be profitable, but the specialization possible with enclosed acreage could (Cheyney, 1971; Graff, 1991). The displaced peasants became wage laborers, and a good number of them fled to the modernizing cities for their higher wages.

At the same time that enclosure was changing rural economies, the printing press was giving the urban classes the ability to produce a surplus of their products and thus turn them into commodities. As commodities, books and ideas became worth money, and money is linked to individuals rather than to communities.

However, the printing press itself is not a sufficient cause for these conceptual changes—other civilizations had thought of similar devices, but instigated no revolution through them. Rather than inventing a machine and then finding a use for it, Gutenberg and his eager investors perceived a problem and looked for a way to solve it.

As Harvey J. Graff (1991; see also Kapr, 1996) has shown, all the pieces of the puzzle were already available for Gutenberg to assemble: Paper had come into widespread use in Europe as a substitute for the far more expensive parchment; faster scripts had been developed for commercial use; block books and other forms of semi-mass production of books, including commercial and

university scriptoria, already existed; and literacy rates, especially among the rising urban commercial classes, were rising (Kapr, 1996). Graff states, for example, that the literacy rate for London males in the fifteenth century was "around 40%" (1991, p. 97). A revolution in consumption had already begun by the time Gutenberg's press revolutionized production.

Certainly ease of reproduction raises new problems for those who produce anything. When, for example, literary works could only be reproduced through laborious handwritten copying, the original writer had little fear of having his "profits" stolen from him; indeed, he would not have wanted to think of himself as "originating." The small readership would have kept his "market" too limited to constitute a true capitalist-style market. The notion that one could make a living as an "author" could not have occurred to those who wrote, and indeed, they made their livings by other means, as monks, teachers and priests, or as court poets, i.e., from their services, not directly from the sale of copies of their writings; thus, too, the concept of plagiarism in our modern sense could not have existed, as there was no compelling reason to claim commodity-ownership of one's products, and copying and wholesale importing of others' words into one's own manuscripts was *commonplace*, and reinforced by the habits of mind and practise of the dominant oral culture. Ownership of one's written work became possible only with the printing press, which enabled the rise of booksellers and publishers and the necessity of selling surplus copies of books. And just as the industrial revolution gave rise to patents, so too the printing press gave rise to copyrights, and therefore to the concept of plagiarism—that is to say, plagiarism and its cousin copyright infringement can

exist only when books have become commodities and writers have become "authors" (Foucault, 1977; Mallon, 1989).

Between 1450 and 1850, most of the agricultural lands in England were enclosed, and the 400 years process of enclosure and the development of private land as a legal principle parallels almost exactly the history of copyright concepts and law, which applied the private property principle to intellectual works and turned authors into entrepreneurs, books into commodities, and knowledge into information. I am not saying that enclosure *caused* copyright, nor that copyright caused enclosure, but rather that both arose from changing economic conditions which required a reconceptualization of property, whether real or intellectual.

All of this adds up to an important point: private property, whether real or intellectual, is a culturally determined concept that was developed and refined over four centuries (from the invention of the press in the 1450's, to the Edict of Anne in 1710, to the James Thomson case in the late eighteenth century, to the treaties and legislation of the nineteenth century, all paralleling the laws redefining real property as private). It continues to be stretched to fit innovations in media and the biotech sciences (Goldstein, 1994). It replaced a much older concept of shared property tied to family, community, traditional class relations, and social roles. It can be seen, then, as running counter to a more "natural" idea of our relationship to the earth and to cultural heritage, and must therefore be learned.

Plagiarism, that particular kind of trespass on private intellectual property that so bothers us as teachers, is psychologically more natural than scholarly recognition of the boundaries of intellectual enclosure. Developmental

psychology, according to Robert A. Wicklund (in Drahos, 1999), shows us that in learning a new concept we integrate it so thoroughly into our own thinking that we suffer the illusion that we came up with the idea ourselves. He states that "An important aspect of the idea is its social character," (83) by which he means that ideas are appropriated and operationalized in a social setting, not in individual isolation; he further states that in operationalizing, or acting upon, an idea, it "is detached from the original [source] and belongs to one's self," especially "at the highest level of activity" (85). He cites a number of studies that show that when we have most fully absorbed and internalized an idea, not only do we forget that the idea had a source, but we claim to have thought of the idea much earlier than we were actually exposed to it (87). And we tend to give the idea a personal meaning, which furthers our "ownership" of the idea. As teachers who "represent the idea" to our students, we indulge in the psychological fact that "presenting the idea actively leads to a kind of ownership, in the sense of becoming an internally consistent, reliable representation of the idea" (89). In other words, we necessarily plagiarize as we teach. Of course, in enacting and communicating an idea, we do transform it, making it for us "not identical with the original idea" (95). Thus, setting aside the problem of intentional copying (such as when a student prints an entire article off the internet and then submits it under his or her own name), "innocent" plagiarism may be a sign of genuine learning, not of mental or scholarly sloppiness.

Certainly the free-ranging intimacy of the Web, with its ready availability of ideas and information and its facile links, can make it very easy to forget not only where one got one's ideas, but that one "got" them at all. One can hardly

have the sense of trespass on the web that one might have in opening the covers of a book, or razoring out an article from a magazine. And the repetition of information from one site to another, the often unclear bona fides of those who provide the web sites, can make the Internet seem like a Platonic commons from which information can be "cherry-picked" at will. Combined with the psychology of appropriation, surfing the web leads almost naturally to what we label plagiarism.

So, as teachers, where do we start? Continuing to lecture against the evils of plagiarism and to convey the impression that avoiding plagiarism is merely a matter of following the rules for citations does little more than to invite clever attempts to circumvent the rules or paranoia so severe that students cannot learn at all. First, we need to recognize that although the law has been slow to accommodate itself to the internet, it is going to eventually, and electronic publishing is going to be as protected by copyright as books; we should remember that the invention of print technology was at first followed by a period of promiscuous pirating of texts, but that copyright protections were rather quickly put in place. Recent decisions, such as that effectively shutting down Napster, or that which limited the federal government's power to restrict megacorporate monopoly of cable systems, indicate the direction in which we are moving. It cannot escape anyone's notice that the goal of the megacorporations is to enclose the Internet through extension of traditional copyright into virtual space. If this is the future, then we need to discuss the implications with our students and help them to understand the landscape on which they will spend a good portion of their lives.

Second, we must teach skepticism; students need to know not only how to filter out the dross and to evaluate the reliability of sources, but what dross is; and what gold is, as well, and this may involve justifying our disciplines and methodologies to them. It should also mean discussing what it means to be a scholar, rather than assuming that they know.

Third, we must place our teaching on plagiarism in a broader context of critical thinking theory and skills, especially synthesis and organization, and we must give our students a better idea of what we mean by "originality". We must also teach the fundamental conflict between intellectual property and free speech (Goldstein, 1994). We must teach about plagiarism from a more critical and historically informed perspective, and we must ourselves examine our assumptions about originality, self-expression and creativity as culturally shaped concepts (Lindey, 1974; Livingston-Webber, 1999) rather than merely accept them as unquestioned, natural, and universal. We must teach our students what an "author" is and how they can *be* authors; we must therefore teach them about discourse, and discourse communities, and genre, and how through discourse and genre they can participate as individuals who are members of communities (Howard, 1999) and not be afraid of the intertextuality of all writing, whether literary or technical.

Finally, we must teach—we should not engage in pedagogical forensics.

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